

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY  
NOVEMBER 02, 2015**

**Members Present:** Craig J. Dutra, Chairman  
R. Michael Sullivan, Vice Chairman  
Richard M. Spirlet  
Antone C. Vieira Jr.  
Steve Ouellette, Clerk

**Also Present:** Timothy J. King, Town Administrator

Chairman Dutra called the Board of Selectmen meeting to order at 6:00 P.M. in the Westport Town Hall, 816 Main Road, Westport, MA with the reciting of the Pledge of Allegiance by all present.

**Pledge of Allegiance**

**Chairman's Announcement** - Under MGL Chapter 30A, section 20(e) – Meeting being recorded.

**Public and Board Member Comment**

The Board acknowledged the loss of a dedicated public servant, Harold “Jack” Sisson. Mr. Sisson was the former Highway Surveyor of the Highway Department. The Board members each spoke on his character and willingness to go above and beyond for the citizens of Westport. The Board extended their sympathy to the family and noted this was a sad day for the Town of Westport.

**Acknowledgments & Recognitions**

The Board of Selectmen presented a Citation to Gary Sherman in recognition of his retirement as Shellfish Constable/Wharfinger. Mr. Sherman had 38 years of service to the Town of Westport. Mr. Sherman was also recognized by Greg Sawyer, Marine Biologist and Mike Hickey, Chief Biologist for the Division of Marine Fisheries.

At this time, Chairman Dutra recognized the attendance of Boy Scout Troop 100 of Our Lady of Grace Church at the BOS Meeting. Attending were: John Messier, David Viveiros, Caleb Martin and Travis Leduc. The Scouts, as a requirement for earning their Citizenship of the Community merit badge, must attend a meeting in Town and the boys chose the BOS Meeting.

**Town Administrator Report**

1. Veteran's Day Activity: Mr. King stated the local veteran's will host the Veteran's Day Ceremony at Beech Grove Cemetery, 947 Main Road beginning at 10:00AM on November 11, 2015.
2. Town Hall & Annex: Mr. King informed the Board that the floors in the Town Hall have been stripped, waxed and buffed; and the plugged exterior drains at the Annex have been cleaned out and are running fine now.
3. New Website: Mr. King provided the Board with a status update; transferring of data should begin in two weeks or so.
4. Fire Station – Community Television Network: Mr. King stated the community television crew has been working on the equipment installation to allow for emergency notice pre-emption on the community television station.
5. FEMA Risk Mapping Assessment and Planning: Mr. King provided the Board with information regarding an upcoming meeting related to the FEMA partnership.
6. Fire Chief Appointments: Mr. King provided the Board with a letter received from Chief Legendre regarding his recent appointments to fill existing and anticipated vacancies.
7. Westport River Wineries – Zoning Board Decision: Mr. King provided the Board with a copy of

the Zoning Board's decision (Howe) in relation to the Westport River Winery.

8. Delinquent Property Tax List – 2015: Mr. King provided the Board with a list of delinquent property taxes for 2015 which was provided by Carol Borden, Tax Collector.
9. Westport Middle School – Turnover to the Town: Mr. King stated he has been working with the School Department on an MOU/MOA to cover the responsibilities of each party, if and when the Westport Middle School is turned over to the Town. A draft copy was provided to the Board. It was requested that a meeting of the Middle School Transition Committee be scheduled.
10. Westport School Feasibility Study – Status: Mr. King stated the School Building Committee is presently in the process of selecting an OPM for this project; interviews with the OPM firm finalists are scheduled for next week.

**Ryan Mann and Mark McEathron, Westport Land Trust – RE: Makris Conservation Restriction.**

Ryan Mann, Executive Director and Mark McEathron, Land Protection Specialist were present; also present was the landowner Doug Makris. Mr. Mann stated the Land Trust would not bring a Conservation Restriction to the Board without deep consideration and where it fits into the bigger picture; this meaning the health of the Westport River. Mr. McEathron explained that Mr. Makris was donating fifteen acres of his property located off Pine Hill Road and the east branch of the Westport River, which included 900 feet of undeveloped river frontage. Mr. McEathron stated there will be a buffer built in to protect the river; the conservation restriction donation is to the Westport Land Conservation Trust and the Trustees of Reservations but the property will remain in private ownership. Mr. McEathron stated the Conservation Commission has reviewed this and signed a Municipal Certification statement that the natural resources being protected are very important. At this time, Mr. McEathron stated the Board's approval of this conservation restriction was being sought. Mr. Spirlet stated he understood that it can go to the family but if the property is ever sold, the transfer money should come back to the Town because it is being taken off the tax rolls, rather than going to the Land Trust. Mr. McEathron acknowledged the reduced tax burden but stated the money will be applied to other land conservation activities; the money will be focused on land conservation. Mr. Sullivan noted that this property will remain private and not be open to the public. Mr. Vieira noted that under Mr. Mann's leadership, the Land Trust has reached out in many ways by opening trails and providing access for the community with walking trails to be enjoyed by individuals and families. Mr. Vieira stated that a year ago, he would not have been comfortable in taking property off the tax rolls without any benefit to the Town; the Land Trust has done a drastic change in the last twelve months and have reached out to support the community and that is part of the cost of having to maintain these trails.

**Motion** made by Mr. Vieira to approve the Conservation Restriction request and with the recommendation of the Town Administrator for property known as Book 6487, Page 219 and Book 6487, Page 238 – Pine Hill Road. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Tim St. Michel, Beach Committee – RE: Beach Pass Application.**

Tim St. Michel, Chairman of the Beach Committee and Town Clerk Marlene Samson were present. Mr. St. Michel stated there have many meetings of the Beach Committee and the Town Clerk's Office because this year was a tough year in having to deal with the public over the Beach Passes. Mr. St. Michel stated there will be a new process for the 2016 Town Beach Passes. The applications will be available online, at the Town Hall, the Library and the Council on Aging. All applications with the required documentation must be returned by mail to the Town of Westport, Attention: Beach Committee and this will be done at no cost to the Town. The Board reviewed the application instructions. Mr. Sullivan asked if under #3, the words “per year” be deleted – Ms. Samson stated the language was used because it was the same language used as when shellfish licenses are issued; and

under #6 – Mr. Sullivan questioned a self-addressed, stamped envelope; he was wondering if this was going to be easier with all kinds of envelopes coming in, wouldn't it be easier to charge a little more and have our own windowed envelopes ready to use; Mr. Sullivan stated this was just a suggestion. Mr. Sullivan noted this was silent regarding "Trusts". Mr. St. Michel stated this is where Ms. Samson was running into most of the problems. Mr. St. Michel stated anyone with a Trust will meet with the Beach Committee on every third Thursday of the month; the Committee will screen them and either give approval or disapproval and then notice the Town Clerk whether to issue a beach pass. Mr. Sullivan stated there was no mention of a Trust having to meet with the Beach Committee. Ms. Samson stated it is part of the Rules and Regulations. Mr. Dutra asked if there was a maximum limit per household for beach passes. Ms. Samson stated there was no max per family; if a residence has six vehicles, they can get six passes. Mr. Sullivan asked whether a notice should be sent to all prior pass holders regarding this change. Mr. St. Michel stated this will be publicized enough and that this process will begin on January 1st. Mr. Dutra asked that the information be placed on the website and that fliers be given out. Ms. Samson stated it will also be put in the newspapers, local cable scroll and on the websites of the Town, Town Clerk and Beach Committee. Mr. Spirlet stated all of this is not in set in stone, as it comes out, if changes need to be made, then we make them; as for by mail, that was okay but he would like to see the option of allowing people to come in. Discussion ensued. Mr. Tom Hancock was recognized and stated he was opposed to landowners in Town, who do not live in Town, not being allowed to get a beach pass. Ms. Samson stated that as long as the applicant has a recent tax bill, with at least a valuation of \$3,000 and with their name on it, they can get a beach pass. **Motion** made by Mr. Vieira to move the recommendation of the Beach Committee and Town Clerk for the Town Beach Pass Application. Second by Mr. Sullivan. The Board voted unanimously in favor.

**Sara Quintal, Buzzards Bay Coalition – RE: Beach Avenue CPA Application.**

Sara Quintal stated that CLE came up with three design alternatives to improve the eastern third of Beach Avenue. The eastern third has been designed as a habitat by the State and was subject of a cease and desist order for the maintenance of that roadway. The Town did submit an application to the Coastal Zone Management to see if funding could be obtained to improve the coastal dune habitat and also with the opportunity of improving public access. The engineer was charged with integrating public safety into the design by incorporating a turn-around for vehicular access and parking along the north shoulder and we also wanted to maximize the building of the dune area in the corridor, particularly the vegetated dune area, this would improve the resiliency of that area. Ms. Quintal stated we are talking about the eastern 600 ft. area of Beach Avenue that is flanked by a beach and coastal dune on either side; we also looked at control of vehicular access to that area in order to fit in with the better management of that Town resource; the vehicular access would be restricted but still allow for authorized individuals such as emergency vehicles as well as residents with mobility restrictions. Ms. Quintal stated that Alternative #2 seemed to fit the most objectives best; Alternative 2 incorporated a full dune restoration, raised the height of the road to match the dune on either side and a roll-out style boardwalk that would be most suitable for placing on top of the restored dune along side a single lane gravel tire-track road with an automated gate. Ms. Quintal stated there is about half of the funding in place through an existing state grant that is ready for the Town's use, as long as we can use it this spring; that grant was specific to the dune restoration work; the other half of the funding that is still pending to be raised, is for the public access improvements, being the boardwalk and tire-gravel road and turn-around with automated gate. Ms. Quintal stated they have met with National Grid and there is the potential to bring in electricity from a near-by utility pole for the gate; we have met with all property owners of that 600 ft. of road and they are all in favor of this. Ms. Quintal stated tonight, we are requesting the BOS to officially vote on Alternative #2 as the desired design and to allow for us to submit an application to the Community Preservation Committee in the amount of \$56,200 which is

half of the remaining funding that is needed; so half is funded from the State and for the remaining half, we are proposing 50/50 allocation between the Town (CPC funding) and private donations, of which the Coalition would spearhead the raising of. **Motion** made by Mr. Sullivan to move forward with Alternative #2 and that we encourage Buzzards Bay Coalition to move forward with the application to CPC in the name of the Town. Second by Mr. Ouellette. Discussion: Mr. Spirlet stated in regards to the gate going up, someone with a handicap placard, who does not have a beach permit, can drive on a public way, they just can't park because they need a permit and so they can't get to the end; the other part that Mr. Spirlet felt was important is the funding time constraints, we are going forward in closing the road but we have no guarantee that we are going to get any funding especially from private funding; what happens then when we have the place closed and there is no access down there. Mr. Spirlet stated his dissatisfaction with only having three questions and not offering a fourth question to leave it as is down there. Mr. Spirlet stated that under #6, we own the land down there but we are going to give it to the abutters and then ask and hope they give it back; his question is, who owns the liability; also, under #6, a single lane of gravel, 600 ft., that is two football fields, it is a long way, what happens when there are two cars, it is very difficult to back up 300-400 ft. Mr. Spirlet stated the Beach Committee and the ADA want to leave it alone; so if we are going to put it out there to the people, we have to be straight forward and tell them what the issues are. Mr. Dutra reminded the Board they were voting on a course of action and the ability of the Coalition to submit an application for CPC funding. Mr. Dutra stated it was his plan to have a public discussion at the BOS Meeting of November 16<sup>th</sup>, to be held at the Westport High School; he has asked the Town Moderator to facilitate a portion of that meeting to discuss the various options on the table for Beach Avenue. Mr. Dutra stated we are not putting this thing to bed tonight, what we are doing, under the time constraints facing the Coalition, is the ability to prepare and submit an application and have the support of this Board for the option that is put forth. Mr. Dutra stated this does need more discussion with a more prominent role coming from the public; that is why Mr. Fors has been asked to facilitate that portion of the meeting. Mr. Dutra stated if we chose to go in a different modified direction, that is not precluded by tonight's vote. Mr. Vieira stated to Ms. Quintal that she did a really great job, it is really detailed but a few things are missing that are critical; Mr. Vieira stated he learned a lot about the heartland cutworm and piper plovers but there is nothing about disabled people, taxpayers of the Town of Westport, in this document. Mr. Vieira stated it is missing and it should not be missing from a document that we are moving forward with the idea of trying to make this more accessible to the public. Mr. Vieira stated right now, it is accessible to those people and there is nothing here to address that so he will be voting against this tonight. Secondly, Mr. Vieira stated he has concern with contracting with CLE Engineering because they were the firm that CPC has a contract with for another section to provide access for handicap folks at our Town Beach and it seems like they are pulling back a little from that commitment; Mr. Vieira was not sure it was because of this commitment or not. Mr. Vieira stated he was also concerned that the supporters are mentioned with no objections in the document; if it is going to another board in our Town, and asking us to support it, at least you may want to have two instrumental committees, Beach Committee and Commission on Disabilities; you have been before them but there is nothing in this document that speaks to that at all. Mr. Vieira stated in transparency, Mr. Sullivan's goal is to improve access down there for everybody but if you are not including those groups and we are not responding to those two groups in Town, and asking the BOS to support this, it is not fair; maybe it was an oversight and hopefully will be corrected. Thirdly, Mr. Vieira stated as elected officials, we have an obligation under the MA Access Board, which is part of the MA Disabilities Commission and we have a ruling from our Town Counsel which support discontinuance of a Town road but it is in contradiction of the MA Access Board. Mr. Vieira stated he has asked that the BOS go on record, based on our previous COD Chair Elaine Ostroff, who sent a letter over a year ago stating that we could not reduce access going forward with any proposal. Mr. Sullivan stated Ms. Quintal has worked tirelessly on this as a member of the

Buzzards Bay Coalition and it really pulls this together even though aspects of it are misunderstood; there are a lot of moving pieces to this and it makes this place more hospitable, more sustainable and more safe in a number of ways. Mr. Sullivan stated to address Mr. Vieira's concerns, in just scanning the document, there are a number of places where handicap access is addressed. There is a lot of discussion on this issue. Mr. Sullivan stated we could have a lot of discussion tonight but the important thing is to go ahead and put the application in, in our names to the CPC and see where it goes; all these things will be vetted further with CPC and other meetings and we also have Town Meeting coming up. At this time, Mr. Sean Leach asked if they were coming in with a cost based application or just any costs at all. Ms. Quintal stated the costs on the CPC application is for Alternative #2, which is more costly. Mr. Leach asked if Alternative #2 would be locked in, if we decided to go another direction; is there any flexibility. Ms. Quintal stated Alternative #2 provided more access for vehicular and residents with mobility issues. Mr. Sullivan stated it may change a little more after CPC but we are not going to move forward, Town Meeting vote or not, to eliminate the road without a plan in place to address the two access points. Mr. Vieira asked that at the meeting scheduled for November 16<sup>th</sup>, will there be an alternative to leave the area as is. Mr. Sullivan stated leaving it as is, you will have the option to vote no. Mr. Dutra stated there is a public forum facilitated by the Town Moderator, to discuss the options at Beach Avenue including the option to do nothing; it will be for the residents to ask questions and give opinions and it is designed in such a way that it minimizes this Board's dominance of that discussion; we have invited someone from Coastal Zone Management to attend as a resource person for the environmental issues; the last 600 ft. is a critical part of this discussion. Mr. Vieira asked if he were to support this motion tonight, would it be with the understanding for transparency for the meeting, that we would also invite the Massachusetts Commission on Disabilities to participate if they would like to based on the proposal that is being presented to the Town, to at least protect the Town from a liability standpoint. Mr. Vieira stated the MA Access Board would provide a voice for people with limited mobility. Discussion ensued. Mr. Bull asked when the public forum would be and where. Mr. Dutra stated on 11/16/15 at 7:00 PM at the Westport High School Auditorium. Mr. Dutra called for a vote of the Board: 4 in favor, 1-opposed (Spirlet). **Motion** made by Mr. Vieira to invite the MA Commission on Disabilities to the BOS meeting of November 16, 2015 and to get their ruling on this material presented tonight. Second by Mr. Ouellette. Discussion ensued. The Board voted unanimously in favor. Mr. Sullivan stated we need to start working on the permitting process due to a tight time line. Ms. Quintal stated that in order to utilize the State funding after the Town Meeting, if in favor, we need to be prepared to submit applications immediately in order to meet a spring construction time line. **Motion** made by Mr. Sullivan to that effect. Second by Mr. Ouellette. Discussion: Mr. Vieira stated to clarify, we are not allowed to do anything until we finalize the cease and desist order; we are not in the position to do anything because the State said we couldn't. Mr. Sullivan stated this is only paperwork. Mr. Spirlet stated that if in fact, Town Meeting votes it down, who is paying for the engineering. Ms. Quintal stated right now, the Coalition and private donations. Mr. Spirlet stated it will stay that way, and never come back to the Town; Ms. Quintal stated that is correct. Mr. Dutra stated the Town's part does not kick in until July 1<sup>st</sup>. The Board voted 3 in favor, 2-opposed (Spirlet, Vieira)

**Theresa Provencal, Town Accountant – RE: Discussion of Balance Sheet reports and accounting procedures.**

Ms. Provencal was present. Mr. King stated at the last BOS Meeting, the Board requested that Ms. Provencal come in to answer questions of transfers of appropriations and also some questions on the balance sheet reports. Mr. Vieira thanked Ms. Provencal for updating the Town Accountant's website. Mr. Vieira stated the Board did receive material from Mr. King last week for Town Meeting and found that some of these accounts were in the negative such as the Tax Collector's budget that is going to go negative; he suggested that this should go to the May Town Meeting. Ms. Provencal stated in her

opinion, put it on the fall STM. Mr. Vieira asked Ms. Provencal if she monitored accounts so they don't run in the red; Ms. Provencal stated yes, but she watches the bottom line, not the line items, as long as the budget itself does not run over. Mr. Vieira asked what procedure Ms. Provencal had with the Town Administrator if these accounts run in the red; Ms. Provencal stated she notifies him immediately. Discussion ensued regarding budget adjustments being made during the year such as Selectman's Travel and Tax Collector's postage. Mr. Sullivan referred to the Annual Report; what are your goals and objectives with this report. Ms. Provencal stated the balance sheet report it like the end all; it goes to the DOR and they examine it to make sure all is squared away. Ms. Provencal stated she works with the Treasurer, Tax Collector and Assessor's on this report; this report is used to get our Free Cash figure. Mr. Sullivan asked if accuracy and timeliness were the objectives; Ms. Provencal replied yes. Mr. Vieira stated to Ms. Provencal, the Stabilization Fund has approximately \$800,000 in it and we are going to have some discussion later this evening about taking some amount of money from Free Cash and having an article to transfer to the Stabilization, do you have any thoughts on that at all. Ms. Provencal stated one option might be to put some into the Capital Improvements Stabilization Fund due to a lot of conversation regarding capital projects because the account only has \$1.00 in it; another thought would be the borrowing authorization from last Town Meeting. Discussion ensued regarding borrowing and the wording for an article on the STM warrant. Mr. Dutra asked Ms. Provencal to stay for the review of the STM Warrant coming up in the meeting.

**Ralph Souza, Building Commissioner – RE: Appointment of Deborah R. Bissonnette as Part-Time Clerk for the Building Department.**

Present: Mr. Souza and Deborah Bissonnette. Mr. Souza stated four applications were received and three applicants were contacted with two being interviewed. Mr. Souza stated this position is a Part-Time Clerk at 19 ¾ hrs. Mr. Souza stated if appointed Ms. Bissonnette would be starting immediately. **Motion** made by Mr. Ouellette to appoint Deborah Bissonnette as Part-Time Clerk in the Building Department. Second by Mr. Vieira. The Board voted unanimously in favor.

**Susan Branco, Library Director – RE: Discussion of MA minimum wage increase beginning January 1, 2016.**

Ms. Branco was present and explained that as of January 1, 2016 the minimum wage would be increasing to \$10.00 per hour and as of January 1, 2017 it will be \$11.00 per hour. Presently, the Library Substitute position, which will be filled begins at 90% or \$9.50 per hour for the first six months. The Library Substitute position is similar to a position at the Council on Aging for comparison. We have three Library Substitutes; one only works in an emergency only; one works 9 hours a week and the other, which will be appointed shortly, will be 10-15 hours a week. These are permanent positions. Ms. Branco stated the hourly wage needs to be updated; in changing it to \$11.79 per hour from \$10.55 (at 90%, that would be \$10.61-allowing us to be above minimum wage for '16 and then at 95%, we would be at \$11.20 for '17), it would allow us to be above minimum wage; for FY'16, the total increase would be \$500 and it would come from State Aid or the Library Gift Account. Mr. Dutra asked if there was any oversight problem with Collective Bargaining or the Personnel Board; Mr. King stated no oversight with Collective Bargaining but it is on the agenda for the Personnel Board meeting on Wednesday. **Motion** made by Mr. Vieira to accept the recommendation of Library Director Susan Branco subject to the approval of the Personnel Board. Second by Mr. Ouellette. The Board voted unanimously in favor. Mr. Vieira recommended that next time, the Personnel Board should be gone to first and then the BOS. Mr. Thom Shaughnessy, Personnel Board stated Ms. Branco has been in contact with the Personnel Board regarding this matter already; and he was hoping the BOS acted as they did tonight. Discussion ensued regarding future years in regards to wage increases.

### **School Committee – RE: Discussion and presentation of financial warrant article for Special Town Meeting.**

Present: Dr. Anne Dargon, Michelle Duarte, Melissa Pacheco and Antonio Viveiros. Mr. Dutra stated he remembered seeing a memo from the new Chair of the FinCom asking the BOS to include their recommendations on the table this evening as to whether or not we place articles on the warrant. Dr. Dargon stated the School Committee were here this evening seeking to place an article on the STM warrant; the School Committee met last Thursday and voted to make a request for \$316,000 for un-budgeted and unanticipated expenses; three of those expenses are specifically tied to Special Education (an unknown when the budget was planned and when the School year started); the Athletic Boosters are alive and trying to support the endeavor of our student athletes, we have many students participating in sports and many of them are younger students (grades 7&8) and are playing on freshman and junior varsity and some varsity sports so some of our uniforms are no longer able to fit the younger students, so we are requesting an opportunity to purchase new uniforms; also, last June 8<sup>th</sup> through the 11<sup>th</sup>, members of the Department of Education came down to do an evaluation of our School District; we are a level two district out of five levels; with one being the best and five the worse. They recommended a Director of Curriculum and some intervention help; an interventionist is not a classroom teacher, it is a specialist who offers direct mediation so a student does not fall behind and keeps the student out of Special Education. Ms. Duarte stated the School Committee is requesting this warrant article to let the Town decide. **Motion** made by Mr. Vieira to move the request of the School Committee to place the article on the STM warrant. Second by Mr. Sullivan. Discussion: Mr. Vieira stated he has concern about using Town Meeting to go into Free Cash, but he does know some of the issues first-hand and he can see the need; the challenges are there and could not be anticipated. Mr. Sullivan stated there are three things that should be worked on for Town Meeting; 1. the specifics as to why this was not anticipated and 2. are there anticipated positive items and 3. why go to the well again, because the Schools did get the lions-share of all our monies last year. Mr. Dutra asked for a clarification of the motion; is the motion to place it on the warrant or place it on the warrant and be supportive of it. Mr. Vieira stated it was to do both. Discussion ensued regarding free cash and its use. At this time, Mr. Vieira modified his motion to put the article on the STM Warrant as requested by the School Committee. The Board voted unanimously in favor. Mr. Dutra stated now is the subject of the \$316,000 transfer from Free Cash to the School Department and asked Dr. Dargon to review the breakdown; Dr. Dargon stated the request was for two Special Education Teaching Assistants (\$64,000), one LPN (\$7,000), sports uniforms (\$20,000), four Interventionists (\$180,000) and one half-time Director of Curriculum (\$45,000). Mr. Dutra asked what the vote of the School Committee was on this; Dr. Dargon stated it was 3 to 2. Discussion again ensued regarding this request. **Motion** made by Mr. Sullivan to postpone this matter and place on the BOS agenda in two weeks for more discussion. Second by Mr. Dutra. The Board voted 4 in favor, 1-opposed (Vieira). Mr. Baron, member of the FinCom stated there is no requirement that the BOS take a position on warrant articles to the FinCom, it would be helpful, but it is not necessary; and he presumed the School Committee would be appearing before the FinCom. Mr. Viveiros stated Dr. Dargon would be more than happy to speak with any Board member on this request; this is something the District has been missing and the report shows that; this is a short list of a much larger list. Mr. Spirlet stated he agrees but why was this Curriculum Director not put in the original budget. Mr. Dutra stated the request for a warrant article has been approved; now, we are looking for more information in two weeks, with Ms. Pacheco forwarding the information regarding this request to the BOS Office.

### **Water Resources Management Committee – RE: Status Report Update.**

Bill Harkins and Maury May were present. Mr. Harkins reviewed the list of priorities and work projects of the Water Resource Management Committee. Mr. Dutra noted an outline list of key issues

was submitted to the Board for review. **Motion** made by Mr. Vieira to endorse the recommendations of the Water Resource Management Committee on the priorities they have established. Second by Mr. Spirlet. The Board voted unanimously in favor. Mr. Harkins also provided additional information for the BOS files. Mr. Ouellette stated he hoped they will still be working on the stormwater problem on Route 6 near the on-ramp to Rte. 88. Mr. Harkins stated he has spoken with the Highway Dept. and also rode along Rte. 6; apparently the State does not have monies to address this but there will be a meeting with Rep. Schmid to try to move this along. Mr. Ouellette also mentioned the need for septic and that Economic Development needs and depends on septic to bring in jobs and taxes to the Town. Mr. Harkins stated that will also be addressed with Rep. Schmid and several other agencies. Mr. Spirlet suggested getting Senator Rodrigues involved also. Mr. Sullivan thanked the Water Resource for putting together a focus and a set of priorities as requested by the Board of Selectmen. Discussion regarding the water issue with the coming winter ensued. Mr. King stated he will be sending a letter to MADOT, Rep. Schmid and Sen. Rodrigues asking how this matter can be expedited for the intersection of Rte. 6 (heading east) & Rte. 88. The Board thanked the Water Resource Management Committee for coming in.

### **Action Items**

1. **Motion** made by Mr. Spirlet to approve the reconsideration of Holy Ghost Club of Westport, Inc. for a Change of Officers/Directors for their liquor license. Second by Mr. Sullivan. The Board voted unanimously in favor.
2. **Motion** made by Mr. Sullivan to accept the following donations to the COA: Neil & Sylvia Van Sloun (\$3,000), Ann Brown (\$100), Judith Turner (\$100), Second Half Bridge Players (\$287), Marc Folco (\$20), Satya Khanna (\$10) and FWCOA (\$39.98). Second by Mr. Spirlet. The Board voted unanimously in favor.
3. **Motion** made by Mr. Vieira to award the Municibid auction bids as presented. Second by Mr. Sullivan. The Board voted unanimously in favor. (see attached bid results)
4. STM Warrant: Present: Accountant Provencal and Tax Collector Borden. It was noted the yellow-highlighted areas were held on and purple-highlighted are new requests to be considered. Mr. King stated that white areas were already explained.  
**Motion** made by Mr. Sullivan to do nothing with the \$3,105 Free Cash (Tax Collector) request but to express the BOS's support, if the situation has not changed, to place an article on the ATM warrant in May. Second by Mr. Ouellette. The Board voted unanimously in favor.  
No action taken regarding the request (\$16,105) from the Fire Dept. - item is taken off of article.  
**Motion** made by Mr. Vieira to put the Board of Health request (\$5,000) for Transfer Station Personnel Services to Board of Health Personnel Services on the warrant. Second by Mr. Sullivan. Discussion ensued. The Board voted unanimously in favor. **Motion** made by Mr. Vieira to support the Board of Health request. Second by Mr. Sullivan. The Board voted 2 in favor, 3-opposed (Spirlet, Ouellette, Dutra).  
**Article 1:** Will contain Harbor Enterprise (\$6,085), Tax Collector Expense (\$4,700), Treasurer Expense (\$5,510), Veterans Dept. Expense (\$25,000) and Town Hall Personnel Expense requests (\$22,000). All remaining articles will be renumbered. Article 1 will now have a new total: \$63,295.00  
**Article 2:** **Motion** made by Mr. Ouellette to move the Board of Health request (\$5,000) to a separate article (#2). Second by Mr. Spirlet. The Board voted 4 in favor, 1-opposed (Vieira).  
**Article 3:** **Motion** made by Mr. Ouellette to move the School Department request (\$316,000) to a separate article (#3). Second by Mr. Sullivan. The Board voted unanimously in favor.  
**Article 4** – already approved by BOS.  
**Article 5** – already approved by BOS.

**Article 6: Motion** made by Mr. Vieira to move the recommendation of the Town Administrator and the Fire Chief. Second by Mr. Spirlet. The Board voted unanimously in favor.

**Article 7** – already approved by BOS.

**Article 8** – already approved by BOS.

**Article 9: Motion** made by Mr. Vieira to approve. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Article 10: Motion** made by Mr. Sullivan to approve, inserting the wording, “Personal Property” before taxes. Second by Mr. Vieira. The Board voted unanimously in favor. To be checked with Town Counsel.

**Article 11** – already approved by BOS.

**Article 12: Motion** made by Mr. Spirlet to put the remaining balance of the Free Cash (which was \$1.4 million) into the Stabilization Fund. Mr. Spirlet stated he made this motion because we are looking at two major projects: a bond for a new Police Station and the issues at the Middle School. Mr. Spirlet stated right now, we have roughly \$850,000 in Stabilization. Ms. Provencal asked if there was any interest in not borrowing \$175,000 and rescinding the authorization and using Free Cash as mentioned before. Mr. Vieira stated we don't have that before us tonight but we can do that at anytime, even in May if we are in agreement. Mr. Dutra stated there are three things: Stabilization Fund, Capital Projects and Labor Contracts. Mr. Ouellette stated we have others things, maybe put a quarter of that in Stabilization. Mr. Dutra said he heard Ms. Provencal; why borrow with interest, when we can just pay it. Mr. Spirlet withdrew his motion. **Motion** made by Mr. Vieira to transfer from Free Cash, \$500,000 to Stabilization and \$200,000 to the Capital Projects Stabilization Fund for a total of \$700,000. Second by Mr. Spirlet. Discussion ensued. The Board voted unanimously in favor.

5. **Motion** made by Mr. Ouellette to allow the Town Administrator to request a 30-day extension for responses to the DEP TMDL report. Second by Mr. Spirlet. The Board voted unanimously in favor.
6. Mr. Spirlet has spoken with Mr. King and Mr. Sullivan regarding a meeting but he is requesting that a representative from Harper's be present to talk about what was supposed to be included for the Time & Attendance Program and what the Town has actually received. Mr. Spirlet stated that two more time clocks were being ordered; Mr. King stated correct. Mr. Spirlet stated this has taken too long already and he would like answers by the next meeting or by 11/30/15.
7. Already covered earlier in meeting.

**One-Day Liquor Licenses** – None.

### **Appointments and/or Resignations**

1. No appointment was made. Mr. Spirlet stated he will be speaking with Mr. George Smith in regards to the Shellfish Advisory Committee.
2. **Motion** made by Mr. Ouellette to appoint Dr. Anne Dargon and Michelle Duarte to the ADA Transition Plan Committee. Second by Mr. Sullivan. The Board voted unanimously in favor.
3. **Motion** made by Mr. Vieira to accept with regrets the resignation of Gary Carreiro from the Agricultural Open Space Preservation Trust Fund Council and to send a letter of thanks. Second by Mr. Sullivan. The Board voted unanimously in favor.
4. **Motion** made by Mr. Ouellette to accept with regrets the resignation of Sean Leach from the Board of Health and to send a letter of thanks and to post the remaining term of the elected Board of Health position for 30 days, followed by a joint meeting of the Boards of Selectmen and Health to interview and possibly fill the position. Second by Mr. Sullivan. The Board voted unanimously in favor.
5. **Motion** made by Mr. Vieira to appoint Robert J. Barboza as Minutes Clerk for the Commission on

Disability and Cable Advisory Board. Second by Mr. Sullivan. The Board voted unanimously in favor.

**Discussion Items** – None.

### **Minutes**

**Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of June 1, 2015 with amendments. Second by Mr. Sullivan. The Board voted unanimously in favor.

\*Amendments: Page 1- change nursery to nursing; Page 3 – change unanimously to unanimously.

**Motion** made by Mr. Vieira to approve the Regular Meeting Minutes of October 19, 2015 with amendments. Second by Mr. Sullivan. The Board voted unanimously in favor.

\*Amendments: Page 4, Under Article 6 – insert: Mr. Sullivan advised that he recently received those answers and would report to the COD shortly.

**Request:** The Board received a request from Tom Hancock for a copy of the Consent Decree and all recorded discussion pertaining to the Consent Decree. Mr. Dutra noted the Consent Decree was still an executive item but once the Consent Decree was submitted to the DEP, it could be released; as for the Executive Session Minutes, they will not be released until approved. Mr. Ouellette did note that a prior request for Executive Session Minutes by Mr. Hancock was fulfilled; this is a new request.

**Selectmen Liaison Committee Reports** – None.

### **Question and Answer Period**

1. Tom Hancock: What is the status of the Beach Avenue MOU? Mr. Hancock waived his question until next meeting.

**Board Members Suggestions for Future Agenda Discussion / Action** – None.

**Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting** – None.

### **Other Business**

1. Mr. Spirlet stated that Lt. Bell is undertaking a project to rebuild the Powder House at the Head. Mr. Spirlet stated he is just trying to get the word out there to help Lt. Bell and hopefully to get some involvement in this; Lt. Bell is getting a committee together and going before CPC to get money to fix it up. **Motion** made by Mr. Vieira to send a letter to the Historical Commission and the Community Preservation Committee for support. Second by Mr. Sullivan. The Board voted unanimously in favor.

2. Mr. Spirlet mentioned that on November 11<sup>th</sup>, Veterans' Day Ceremonies will begin at 10:00 AM at Beech Grove Cemetery; there is no parade, only the ceremony, which lasts about one hour.

3. Mr. Spirlet asked that no signs be placed on the little island at the Head of Westport or on Latessa Square; these are memorial spots honoring those who have served and given their lives.

4. Mr. Vieira stated he had some calls about the Landing Commission receiving a settlement from the DEP for \$23,000 for Boathouse Row. Mr. Vieira asked for some clarification on this; it was mentioned at a public meeting as to how they were going to use the money for the kayak area at the Head. Mr. Dutra stated that DEP announced the settlement; it was raised with the ConCom and Landing Commission. Mr. Vieira stated it should come to the BOS first. Mr. Sullivan stated he asked Mr. King about it and asked he get an answer from the State. Mr. Vieira stated the DEP should have contacted the BOS and he would like to see a copy of the settlement. Mr. King stated that instead of contacting the BOS, they contacted ConCom Agent Chris Capone; he took it to the

ConCom and they made the decision to use it at the Head. Mr. Vieira stated that is why he is raising the issue. Mr. Dutra stated this is more the right of the BOS to do this rather than the Landing Commission or the Conservation Commission and he found out about it from correspondence from the ConCom.

5. Mr. Vieira stated the Commission on Disability was informed by Betty Slade that the project they had with CLE Engineering for the access at Beach Avenue has not been approved and not moving forward. Mr. Vieira asked for clarification on this. Mr. Sullivan stated it is a matter of public record if it was at a meeting; we need to get to the bottom of this.
6. Mr. Vieira stated he has some questions on the report from the State regarding Hix Bridge and also, on what actions should be taken. Mr. Dutra stated this should be put on the first meeting in December. Mr. Wayne Sunderland asked when the BOS were going to review Hix Bridge report. Mr. King stated he is having trouble trying to decipher it. Mr. Sunderland stated on Pages 2 & 3, is where the concern is. Mr. Sullivan stated he has asked Mr. Sunderland to look this over. Mr. Dutra stated this will be dealt with on November 30<sup>th</sup>. **Motion** made by Mr. Vieira to invite the MADOT, Senator Rodrigues and Rep. Schmid to the meeting of November 30<sup>th</sup>. Second by Mr. Spirlet. The Board voted unanimously in favor.

**9:06 PM Executive Session**

**Motion** made by Mr. Spirlet to enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 to discuss Consent Agreement and Personnel Matter and to approve Executive Session Minutes of June 1, 2015 and October 19, 2015. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Roll Call Vote:** Mr. Spirlet-aye. Mr. Ouellette-aye. Mr. Vieira-aye. Mr. Sullivan-aye. Mr. Dutra-aye.

Mr. Dutra announced the Board would return to Open Session in order to adjourn.

**9:30 PM – Open Session**

**Motion** made by Mr. Vieira to adjourn the Board of Selectmen meeting. Second by Mr. Ouellette. The Board voted unanimously in favor.

**Adjournment.**

Respectfully submitted,

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Diane Pelland  
Administrative Asst/Confidential Clerk to the Board of Selectmen

**APPROVED:** \_\_\_\_\_  
Steven J. Ouellette, Clerk